

AL. 2. 1986-394 c2

minutes
not included

47

MAJORITY REPORT
OF THE COMMISSION APPOINTED TO INQUIRE
INTO THE ADVISABILITY OF THE ESTABLISH-
MENT OF A FORTY-EIGHT HOUR WORKING WEEK
IN ALBERTA.

Majority report of Commission re 48 hours working week.
(Sessional Paper No. 47)

7298249

To:

His Honour the Lieutenant Governor in Council,
Province of Alberta.

Sir:-

The undersigned, being two of the Commissioners appointed to inquire into the advisability of establishing a forty-eight hour working week in the Province, beg leave to report as follows:

Under the terms of the Order in Council constituting the Commission to investigate the advisability of the adoption of a forty-eight hour week by the various industries in the Province of Alberta, it is set out, after reciting the provisions of Section 23 of "The Factories Act, 1926", that the Commissioners should "cause inquiry to be made into and concerning the questions involved in the establishment of a forty-eight hour working week and as to the advisability of the establishment of the same with regard to any or all industries in any factory, shop, office or office building and the probable effect thereon on any such industries", and to report thereon to the Lieutenant Governor in Council.

Notices were sent by mail to the proprietors of all factories in the Province, so far as the Commissioners were able to ascertain these from an examination of the records of the Bureau of Labor, and notices were also sent to the proprietors of the various hotels and departmental stores in the four larger cities. Notices were also published in the daily newspapers issued in these places, setting forth the objects of the inquiry and the dates and places of the sittings of the Commissioners. Sittings were held in accordance with the notices sent out and as published in the daily newspapers, these sittings being held at Medicine Hat, Lethbridge, Calgary and Edmonton on the 7th, 8th, 9th and 10th and 14th of December last respectively. A copy of the evidence submitted to the Commission at the various hearings and the statements filed with the Commission, either during these hearings or prior or subsequent thereto, are transmitted herewith.

It may be well to point out here the distinction between what is called a basic eight hour day and a simple forty-eight hour week and a straight eight hour day and forty-eight hour week. The basic eight hour day does not limit the actual hours of labor but merely gives the worker for eight hours, what he previously received for nine or ten or whatever hours worked, with overtime payment for the time worked beyond eight hours. The forty-eight hour week does not limit the hours of labor to an eight hour day provided the total hours worked during the week do not exceed forty-eight. The straight eight hour day and forty-eight hour week limits the working hours to eight hours in any one day, even if a less number be worked on any other day of the week and limits the total hours worked in any week to forty-eight, so as to ensure the worker of one day's rest each week. It is a straight eight hour day and forty-eight

hour week that the labor organizations have contended for in this inquiry, subject, of course, to relaxation in such cases as may be found to be necessary, this being decided by public authority.

The provisions of "The Factories Act, 1926", as it now stands, provide for a nine hour day and a fifty-four hour week. According to the terms of the Commission, the scope of this inquiry is limited to a forty-eight hour week alone, and the notices first sent out so set out the nature of the inquiry. However, as the Commissioners subsequently learned that it was the desire that the scope of the inquiry should be enlarged so as to include the question of the advisability of a straight eight hour day and forty-eight hour week, the Commission, at the sittings at Calgary and Edmonton, asked the parties appearing before it in these Cities, to consider also the question of this further restriction of the hours of labor. Subsequent to these sittings notices were sent out to all parties attending at the various hearings, asking that they further consider the question of the straight eight hour day as applicable to their respective industries and that they communicate with the Commission in regard thereto, and replies were received from practically all those appearing at the various hearings. The straight eight hour day, along with the forty-eight hour week is, of course, more restrictive than the forty-eight hour week alone, and it could, no doubt, have been taken for granted that when an objection was lodged to the latter limitation, it would apply with as much, if not greater force, to the former restriction. As was expected, the replies received in answer to the later inquiry of the Commission indicated even more strenuous objections on the part of the employers to the eight hour day than to the forty-eight hour week. In view, however, of the conclusions arrived at by those of your Commissioners who have signed this Report, any distinction between these two forms of limitation of hours, so far as this Report is concerned, is immaterial.

The enactment of eight hour day and forty-eight hour week legislation was supported at the various hearings of the Commission by representatives of Organized Labor, and the contentions in support of the proposed change may, in the main, be given as follows:-

That the bringing into effect of an eight hour day and forty-eight hour week would be merely carrying out the provisions as to hours of labor of the draft Convention adopted at the International Labor Conference held in Washington in 1919, which provisions have already been adopted and enacted by a considerable number of countries and that, as, under The British North America Act, the power to enact legislation regarding hours of labor, in the main, rests with the respective provinces of the Dominion, the Province of Alberta should, for the purpose of carrying out the terms of this Convention, enact this eight hour day legislation.

That, so far as hours of labor are concerned, a very large percentage of the industrial concerns of the Province are already on the basis of an eight hour day or forty-eight hour week, and the employers in the remaining industries should be made to put their

industries on the same basis.

That by adopting the proposed legislation, it would protect the employer who worked his employees shorter hours from the competition of the employer who worked his employees long hours.

That, with the reduction of hours, there was a tendency towards greater efficiency on the part of the employee and that the employers should suffer little from the change.

That the shortening of hours of labor would tend to provide employment for a greater number of men and so decrease unemployment.

That the same arguments have been advanced against any proposal to reduce hours in the past and industry has survived although the hours of labor have been greatly reduced.

The desire of the worker to secure himself more leisure time was also stressed.

The general objections on the part of the employers are set out in the Memorandum filed with the Commission and are given below:-

That to bring into effect forty-eight hour week legislation would give other provinces and countries an unfair advantage in competition with Alberta.

That such industries as are capable of doing so, already work forty-eight hours a week and some less.

That for many of our most important industries it is impossible to regulate hours of labor to comply with the said restriction.

That many industries closely connected with agriculture, cannot comply with a forty-eight hour working week without inflicting hardship and, at certain periods, heavy loss upon their farmer clients.

That to enact a forty-eight hour working week would at once restrict an investment of foreign capital in this Province.

That our resources cannot be developed, nor can industrial plants be built up sufficiently to create a pay roll within our borders that will provide a market for the agriculturists whom we constantly invite to settle amongst us.

That reduction of hours generally means reduced production and higher prices to the ultimate consumers.

That reduced hours will lead to the introduction of labor saving machinery that will eventually reduce the numbers employed.

The Draft Convention adopted by the International Labor Conference at Washington in 1919, and referred to by the supporters of eight hour day legislation, provides for the limiting of the hours of workers in industrial undertakings, to eight in the day and forty-eight in the week. Provision is made that where the employers and workers agree, the eight hour day limit may be exceeded some days of the week, where less than eight hours are worked during other days of the week, provided the hours worked weekly do not exceed forty-eight. Other exceptions provide that where, by reason of the nature of the process, the work is required to be carried on continuously by a succession of shifts, the working hours may be extended to fifty-six in the week on the average. Provision is also made under which regulations by public authority shall determine their permanent exceptions to be allowed any proprietor for work that must necessarily be carried on outside the limits laid down for the general working of an establishment, also for certain classes of workers whose work is essentially intermittent and for temporary exceptions for exceptional cases of pressure of work. Commerce and agriculture are not included under the terms of the Convention.

It was generally recognized at the Washington conference, that the question of the limitation of hours of labor was practically a world wide one and the difficulty was there recognized of dealing with the question satisfactorily unless all those countries which had any considerable interest in industrial undertakings should be willing to adopt legislation of at least approximate uniformity, subject, of course, to allowance for differences of climatic conditions or of industrial development. Particularly was it realized that without the great industrial countries of Great Britain, France, Germany, Italy and the United States adopting the provisions of the Convention, the work of the Conference must be largely futile. Up to the present, none of the countries mentioned have adopted the hours of labor prescribed by the Draft Convention. It is true that France has signified its ratification, but it is conditioned upon the ratification by Germany. Italy ratified the Convention conditionally in 1924, but has now adopted a nine hour day.

It was stated at the sittings of the Commission in Edmonton that Greece, Czechoslovakia, Bulgaria, Chili, Roumania, China and India have ratified the Convention. Your Commissioners have before them the last Report of the Director of the International Labor Conference issued at Geneva in 1926, and it would appear that of these countries Roumania, although it had signified its ratification, had not, as late as March of last year, passed any legislation making effective the eight hour day provisions. India, by the terms of the Convention, is not required to adopt an eight hour day but only a sixty hour week. Bulgaria, in the Report just mentioned, stated that

competition from neighboring countries that had not adopted the proposals of the Washington Conference, had placed it in a disadvantageous situation. China is in such an unsettled state that little weight can be attached to its adherence or non-adherence.

In the case of Czecho Slovakia, the legislation of that country provides that the actual hours of work of workers shall, in principle, not exceed eight hours within twenty-four hours, or forty-eight hours in the week, but the Act further provides that the distribution of the daily and weekly hours of labor shall be a matter for agreement between the employers and the workers. Then there was provisions to the effect that when it would not be otherwise possible to alternate shifts and the work cannot be interrupted for technical reasons without considerable disturbance to the manufacturing process, the daily or weekly hours can be extended provided that each worker has a thirty-two hour rest period each week and provided that the worker is paid overtime for any work over the weekly forty-eight hours. Furthermore, no less than twenty-nine classes of industries are given where the process is declared to be continuous and in which the daily hours may be extended provided overtime is paid. It must be said that the range of these industries is very wide. According to figures supplied by the Czecho Slovakian Government in 1925, some 812,000 workers were employed in undertakings working overtime and of these one-third were actually working overtime and the total amount of overtime worked is given in working days at 1,782,390.

It must be said that a perusal of that section of the last Report of the International Labor Conference dealing with the question of hours of labor, suggests to your Commissioners the difficulty of arriving at what weight may be given to some of these apparent ratifications of the Convention in question.

It may be added that your Commissioners understand Belgium has ratified the Convention but they have been unable to get any information thereon.

Mention was also made at the hearings of other eight hour day legislation, apart from any passed in pursuance of the 1919 Washington Convention, being effective in a number of other countries, these countries including France, Germany, Italy, Spain, Poland and Sweden. Your Commissioners have been unable to obtain any information in regard to legislation of this nature, with the exception of that of France, where such legislation was to become effective only upon agreement between the employer and his employees. As already stated, Italy, so far as your Commissioners can learn, is now on a nine hour day basis. That any such legislation, at least so far as the larger countries are concerned, is not very effective, may be seen from the Report of the Director of the International Labor Conference already referred to (page 219, Part 1). Reference is there made to the differences between rates of wages, hours and other conditions of work of British shipyard workers and of shipyard workers on the Continent. A Joint Committee of Inquiry, composed of representatives from both the British Shipyard Workers Unions and the Shipbuilding Employers' Federation, reached the

conclusion that hours of work were longer in Germany, Holland and France than in Great Britain, and a joint petition was presented to the Government urging it to take steps to further the observance of a shorter working week in the Continental countries.

It is, of course, well known that in Australia the hours of labor are very favorable to the worker. It is to be remembered, however, that Australia is far distant from any competitive markets.

Neither the United States nor any provinces of the Dominion of Canada, with the exception of British Columbia, have adopted any general limitation of hours of labor such as was laid down by the Washington Convention. Any limitation of labor hours in the United States appears, in the main, to be confined to workers engaged in public works or on Government contracts, or, as is the case in some of the States, in one or two specified industries. A number of the States have adopted a basic eight hour day but, as already pointed out, this is far different in effect from a straight eight hour day or a forty-eight hour week. Where there has been any real limitation of hours of labor in the United States, it has been by agreement between employer and employee. In Canada, apart from British Columbia and the limitation in our own Factories Act, there is no actual limitation of hours of labor except by agreement of the parties.

With the general principle of the forty-eight hour week and the desire of labor for a greater amount of leisure for employees, your Commissioners have much sympathy. The question, however, that is to be determined is whether, under present conditions, the adoption of the hours of labor in question is desirable, bearing in mind its effect upon the Province as a whole. The fact that the industrial concerns of this Province must compete with those of the remaining provinces of Canada as well as with those of the United States suggests to your Commissioners the possibility of too greatly handicapping our own industries if the legislation in question is put into effect. If that is the result it will, of course, speedily react upon the employees. The situation thus created, indeed, would be much the same as each of the highly industrial countries of Great Britain, France and Germany, at this very time fears would happen to it if it adopted the eight hour day while its competitors continued on the basis of longer hours, and it is this fear that has prevented these countries from ratifying the Washington Convention except on condition that the other countries do likewise. Alberta cannot be said to be anyway nearly as highly developed industrially as is the United States or some of the other provinces of Canada. The industries in Alberta, for the most part, are in their infancy and the effect of the proposal can, at best, be said to be problematical.

At the National Industrial Conference held in Ottawa in 1919 a month or so prior to the opening of the Conference at Washington, the present Premier of the Dominion, in addressing the Conference, stressed the necessity of bringing about an equality of the standards in industry throughout the Dominion. Dealing with this subject he said "if some provinces

are going to have a high level of industrial standards and other provinces are not willing to approach to that high level, then the provinces which have high industrial standards are going to be handicapped by the provinces that maintain the standards at a lower level.....so I think that one of the greatest services this gathering can render will be to emphasize the necessity that throughout the whole of this Dominion of Canada we have such uniformity of standards in our industrial regulations that the provinces that are behind the line, if there are any, will be brought up to the level of all the others and one standard made to prevail so far as may be possible, having regard to the difference of conditions in the different provinces.

It is true that, as far as your Commissioners can gather, the majority of industrial concerns in the Province are at least nominally, on an eight hour day or forty-eight hour week basis. According to the statistics obtained from the Provincial Bureau of Labor, out of a total number of 10,683 employees in the factories of Alberta, 7,262 are given as working forty-eight hours per week or less. It must be remembered, however, that included in these totals are between 1,300 and 1,400 female employees who come within the limitation of hours fixed by the Minimum Wage Regulations. The regulation of hours as affecting female employees has generally been more strict than those affecting male employees. Furthermore, it may be said, that many of the concerns which, in the statistics referred to are given as working their employees forty-eight hours or less per week, strenuously objected to the proposal now under consideration and some of these employees undoubtedly do work over the forty-eight hour week. Your Commissioners believe that it would not be unfair to say that the number of male employees in the statistics referred to would comprise somewhat more than one half of the total male employees in the factories of the Province. There are, no doubt, other industries not included in the returns given. For instance, the building industry is not included and this is largely on a forty-four hour week basis throughout the Dominion, but from its very nature, it has no outside competition.

It may be said in this connection that in some industries the hours of labor, largely through the organization of employees, are fairly uniform throughout the whole Dominion. Thus, in the manufacture of clothing, statistics from the Dominion Labor Department show that a forty-four hour week is widely prevalent throughout the country and the effect of this is seen in the comparatively short hours of labor in this industry in Alberta. The same remark applies to the printing trade, which is highly organized, and it will be found that, for the main part, in the industries such as those just mentioned, the hours of labor in the United States correspond with those in effect in Canada.

The suggestion that has been made that because some industries in the Province are already on an eight hour basis or less, all other industries should be compelled to apply similar restrictions, is not sound. What really governs is the conditions of labor in the same class of industry in the competing provinces or countries.

It is doubtful whether the reduction of hours from nine to eight would mean any substantial increase in employment in the Province. It was indeed asserted by a number of employers, that if they were compelled to adopt an eight hour day or forty-eight hour week, it would mean that while they would be compelled to employ more men in the rush season, they would also be compelled to let out some of the employees during the slack season who were now retained the year round. The slack season in most industries in this Province is in the winter time and in such case the result would be a greater amount of unemployment at a time when it is most undesirable.

The attention of your Commissioners was directed at the various hearings, to the fact that industrial undertakings in this Province were, to a very considerable extent, closely related to the agricultural industry and it was urged that a rigid limitation of hours in such industries would be a hardship not only on the industries themselves, but upon the farmer. It was also pointed out that, with the frequently long and severe winters that obtain here, other industries were, in their nature seasonal, and short operating seasons militated against the observance of an eight hour day.

These are, indeed, matters which suggest the difficulty of applying this limitation of hours of labor where the conditions are as they are in Alberta and they offer, in the opinion of your Commissioners, along with the problem of outside competition, the really material obstacles to the adoption in this Province of the forty-eight hour week, and a greater obstacle to the adoption of a straight eight hour day.

In referring to the absence of restrictive legislation in regard to hours of labor in the other provinces of Canada, mention has been made of the exception of British Columbia. In 1925 the British Columbia Government brought into operation an act entitled "The Hours of Work Act, 1925" which limited hours of work in industrial enterprises to eight hours a day and forty-eight hours in the week. The Act specifically excludes any branch of the agricultural, horticultural and dairying industry and it does not apply to shops, stores, offices, office buildings or hotels.

The Act contains provisions similar to those contained in the Washington Draft Convention relating to hours of labor, which permit a forty-eight hour week instead of a strict eight hour day, by agreement between employer and employees, and provides for exceptions covering continuous processes and in case of accidents or cases of emergency.

The administration of the Act is left to a Board of Adjustment, consisting of three members who may make regulations determining:-

- (a) The permanent exceptions that may be allowed in preparatory or complementary work necessary to be carried on outside the limits laid down for the general working of an industrial undertaking or for certain classes of workers whose work is essentially seasonal or intermittent.

- (b) The temporary exceptions that may be allowed in case of exceptional cases of pressure of work.

The Board is further given the power, after inquiry, and subject to the approval of the Lieutenant Governor in Council, to exempt any industrial undertaking or class of industrial undertaking, in whole or in part, from the operation of the Act, or for such seasons or portions of the year as it may consider necessary or expedient, having regard to the nature and conditions of the undertaking, the conditions of employment and the welfare of the employees.

Very wide exemptions have been granted by the Board. For instance, shipping of all kinds, fish canneries and repair work in metal industries are exempted, and the fruit packing industry is given permission to work over the eight hour day during the fruit season. Your Commissioners also understand that the meat packing industry is not affected by the Act. Smelting comes under the continuous process provisions and the working hours therein are limited to fifty six per week. Employees in saw mills, planing mills and shingle mills in that part of the Province lying East of the Cascade Mountains, are permitted to work nine hours a day instead of eight. Bakeries are permitted to work ten hours per month in excess of the forty-eight hour week, which would give a fifty and one-half hour week, and bakery salesmen and delivery men are allowed an extra twenty-six hours per month in excess of the forty-eight hours per week.

The exceptions mentioned, and they are not the only ones, have not been given to indicate in any way the nature of industries, exemption of which is found to be necessary, for conditions here differ very considerably from conditions in the main industrial portion of British Columbia. They are given merely to suggest that there must be so many exceptions allowed in the administration of legislation of this nature as to at once lay it open to the criticism that the restrictions are largely nominal. It must be further considered that in British Columbia there is the problem arising from oriental labor which, fortunately, in this Province, does not exist. Your Commissioners understand that the Act in British Columbia is very ably administered and they are not prepared to say that it is without merit. It must be remembered, however, that conditions here are not the same as in British Columbia and that the scope of the British Columbia Act is much narrower than that of our own Act. So much also depends upon the state of mind of those administering the provisions of such an Act, and the attitude adopted by them in that administration, that your Commissioners have not felt justified in recommending that action along similar lines should be taken in this Province.

Generally speaking, the limitation as to hours of labor in the Factories Act, as it now stands, provides against the working of employees for any extreme hours and the Act is very wide in its scope. However, if there are cases where employees are working extremely long hours, there is no reason why an amendment to the schedule to the present Act should not meet such cases. For instance, at Calgary, the Commission heard representations from the oil well drillers working in the Turner Valley field, who represented that they were working

on a twelve hour shift. Except in extremely cold weather, when they are not required to work, their work is continuous, and it suggests itself to the Commission that any such hours of labor in continuous employment are excessive. The case, however, could be easily met by an amendment to the schedule of the Factories Act.

Neither in the Washington Draft Convention, nor in the British Columbia Hours of Work Act is there any provision applicable to such concerns as shops, stores, wholesale warehouses, offices or hotels and, apart from regulations by various municipalities, or so far as female workers are concerned, by the regulations of the various Minimum Wage Boards, there are, as far as your Commissioners can learn, no set hours of work in these businesses in other provinces. Our own Act only embraces concerns of this nature situated in towns of over 5,000 population and, in the cities within its provisions there are, so far as retail stores are concerned, bylaws dealing with early closing and a compulsory half holiday one day a week, either during the whole or a part of the year. Calgary and Lethbridge have this half holiday the year round, and according to the statements made at sittings of the Commission at Medicine Hat, the half holiday is given in that city the year round, although the city bylaw only requires it for the five Summer months. In these three cities, however, the retail stores keep open on Saturday night until nine o'clock. In Edmonton, the half holiday provision only applies to the Summer months, but the stores are closed Saturday night. It was stated that the practice in the larger stores at least, in these cities, was to give the employees two weeks' holiday each year, with pay.

It may be noted that no representatives of the employees in these businesses appeared before your Commissioners and, although it has been urged that this is accounted for by the fact that the employees in these concerns are unorganized and consequently inarticulate, it does suggest itself to your Commissioners that if there was any serious objection to the present working hours or any great degree of discontent, it would have come to the notice of the Commission.

It must be recognized that the conditions and nature of the work in these various businesses are widely different from those existing in factories, and your Commissioners are of the opinion that if any change were contemplated in the present Act, in the way of further limitation of hours of labor, these businesses might well be dealt with in a separate Act. However, they are not prepared to recommend that the eight hour day or the forty-eight hour week should be applied for the present to such concerns.

As regards industrial undertakings, your Commissioners desire to say that, partly because of the fact that so many of the more important industries in Alberta are closely related to agriculture, and because of the seasonal nature of other industries, but mainly because of the danger of competition from outside points where there would be no similar restrictions as to hours of labor, they have come to the conclusion that it would not be advisable to adopt the forty-eight hour week or the straight eight hour day in connection therewith. As many concerns, both industrial and commercial, only work a half day on Saturdays, a straight eight hour day would mean, in those cases, either a forty-four hour week or the elimination of the Saturday afternoon off.

They believe that only through the co-operation of all the Provinces can the suggested limitation of hours of labor be safely put into effect. To be satisfactorily effective, any such law should be national in extent.

Your Commissioners are not prepared to single out any particular industries in regard to which such hours of labor should be made applicable at the present time. If they did so their choice would undoubtedly fall upon those very industries where, owing to the employees being more highly organized, the hours of labor are at present most favourable to the employees.

EDMONTON, Friday, the eighteenth day of February,
A.D. 1927.

Respectfully submitted,

"A.A. CARPENTER"

Chairman.

"NORMAN NEEDSLEY"

Commissioner.

TO:

His Honour the Lieutenant Governor in Council,
Province of Alberta.

Sir:-

The undersigned, being one of the Commissioners appointed to inquire into the advisability of establishing a forty-eight hour working week in the Province, being unable to agree with the conclusions of the other two Commissioners, begs leave to report separately as follows:

It will be observed that the recommendations of the majority of the Commissioners is made ".....mainly because of the danger of competition from outside points where there would be no similar restrictions as to hours". This, it will be noted, was also one of the chief arguments employed by some of those who appeared before the Commission to give evidence against the advisability of establishing the forty-eight hour week.

After giving careful study to the evidence submitted to the Commission, the undersigned is firmly of the opinion that the Commissioners were not justified in recommending that there should be no step taken at this time to establish the forty-eight hour working week in Alberta. Those who contend that such a limitation of hours would be detrimental to industry in the Province, have not, in my opinion, submitted sufficient evidence to substantiate their claims.

There are many records of various industries where hours of labor have been curtailed, either voluntarily or or by legislation, yet there was not a single specific incident brought to the attention of the Commission where the curtailment of working hours had had an adverse effect on the industry concerned. On the other hand there were a number of cases cited where the effect of the curtailment of the hours of labor had proved to be beneficial. One case in point is that of the Great Western Garment Company of Edmonton. In the garment industry where long hours and sweat shop conditions were considered advisable a few years ago, the Edmonton Company was the first on the continent to establish the eight-hour day and the forty-four hour week. And production records of the Company actually showed a substantial increase of output with the curtailment of hours of labor. Certainly the danger of outside competition proved a bogey in that case.

In this connection I would also draw attention to the Report of the British Columbia Department of Labor for 1925, Commenting on the operation of the eight-hour day law in that Province, the report says:

"The eight-hour day certainly has not had the dire effect predicted by some of its critics prior to its being put into effect. Information received by the Department recently has proven that the eight-hour day has actually been the cause of reducing costs of operation in various industries. The reason for this

is that, in order to comply with the Act, a complete reorganization of systems was found necessary, and more efficient methods have been worked out."

From the records available through the Alberta Bureau of Labour, it is found that approximately eighty per cent of the wage-earners in industry and commerce in the Province, are now employed at forty-eight hours a week or less. From this it should be apparent that the shorter working week has been proven to be advisable and generally economically sound. It has been argued that since such a large percentage have already secured the forty-eight hour week without legislation, it is reasonable to suppose that the remaining twenty per cent will secure the same advantages as soon as it is economically advantageous for them to have them. But that argument is not a sound one. There are short-sighted and grasping employers who need the force of legislation to compel them to conform to standards that have generally been accepted as proper. This has always been the case. A case in point is that of the building or general contracting industry. The large majority of the employees of this industry work forty-eight hours a week or less. Yet there are some employers who compel their workmen to exceed the hours generally worked. Apparently only legislation can bring uniformity in such cases. In British Columbia the operation of the eight-hour law reduced the average working hours in the contracting group by 2.41 hours per week; this in spite of the fact that the eight-hour day generally prevailed in the industry before the law came into effect.

Many of the firms objecting to the establishment of the eight-hour day in Alberta admitted under examination that it was only in emergencies that it was necessary to exceed a forty-eight hour week. Others gave evidence to the Commission that was at variance with their declarations to the Bureau of Labour as to the hours of labor worked. In all I am convinced that an examination of all the evidence submitted will, if exaggerated hypotheses are omitted, show that only a very few industries would be in any way adversely affected by the establishment of eight-hour day legislation. On the other hand a large number of employees would be benefitted.

This latter contention is borne out by the experience in British Columbia. It has been claimed that, because of the large number of exemptions allowed, the B.C. Act is largely inoperative. But in spite of this the report of the Department of Labor shows that the operation of the Act in the first year resulted in a reduction of over four per cent in the duration of the average working week; average hours being reduced from 50.59 to 48.26 weekly. Though the report does not say so, it may be presumed that a substantial part of the reduction has been caused by the bringing about of uniformity in industries where the eight-hour day generally prevailed before the legislation came into force. Because there is a substantial number of employees working longer hours unnecessarily in industries where the eight-hour day generally prevails, I am particularly opposed to the recommendation against any step to establish the eight-hour day by legislation at this time.